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January 25, 2005

William B. Moffitt, Esquire
Cozen O'Connor, P.A.
1667 K Street, N.W., Suite 500
Washington, D.C. 20006-1605

Re: United States v. Sami Amin Al-Arian, et al.
Case No. 8:03-CR-77-T-30-TBM

Dear Mr. Moffitt:

This letter is in response to your letter dated January 6, 2005.

Contrary to the claims in your letter, you have not previously asked whether "the government has relied upon in-part evidence derived from an Israeli wire-tap." Rather, you asked "whether the government is seeking to utilize any electronic surveillance of Dr. Al-Arian by any law enforcement or intelligence agency of any foreign government." Moffitt 01/27/04 letter at page 2 (emphasis added). That is a totally different question. We answered that question in the negative. Zitek 03/10/04 letter at page 1-2.

In any event, under Fed. R. Crim. P. 16(a)(1)(B)(ii), the government must disclose to a defendant any relevant written or recorded statement by the defendant if the statement is within the government's possession, custody, or control; and the attorney for the government knows -- or through due diligence could know -- that the statement exists. Through the discovery process, you have received all the statements to which you are entitled pursuant to this provision of Rule 16.

Sincerely,

PAUL I. PEREZ
United States Attorney

Terry A. Zitek
Executive Assistant United States Attorney

cc: Linda Moreno, Esq.
Stephen N. Bernstein, Esq.
Bruce G. Howie, Esq.
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